MR. DEPUTY CHAIRMAN: Now, we take up the Zero Hour mentions. Shri Santosh Bagrodia ...*(Interruptions)*...

SHRI SANTOSH BAGRODIA (Rajasthan): How can I speak amidst this noise? ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Now, Shri Murli Deora to introduce a Bill.

## GOVERNMENT BILLS

### The Rajiv Gandhi Institute of Petroleum Technology Bill, 2007

THE MINISTER OF PETROLEUM AND NATURAL GAS (SHRI MURLI DEORA): Sir, I move for leave to introduce a Bill to declare the institution known as the Rajiv Gandhi Institute of Petroleum Technology to be an institution of national importance and to provide for its incorporation and for matters connected therewith.

*The question was put and the motion was adopted.*

SHRI MURLI DEORA: Sir, I introduce the Bill.

MR. DEPUTY CHAIRMAN: Now, we take up the Carriage by Road Bill, 2005 ...*(Interruptions)*... Shri T.R. Baalu. ...*(Interruptions)*...

### The Carriage by Road Bill, 2005

THE MINISTER OF SHIPPING, ROAD TRANSPORT AND HIGHWAYS (SHRI T.R. BAALU): Sir, I move:

> "That the Bill further to provide for the regulation of commoncarriers limiting their liability and declaration of value of goods delivered to them to determine their liability for loss of, or damage to, such goods occasioned by the negligence or criminal acts of themselves, their servants or agents and for matters connected therewith or incidental thereto, be taken into consideration."

*The question was proposed.*

MR. DEPUTY CHAIRMAN: Would any hon. Member like to speak on this? ...*(Interruptions)*... You are not allowing ...*(Interruptions)*...

Now, the question is:

> "That the Bill further to provide for the regulation of common carriers limiting their liability and declaration of value of goods delivered to them to determine their liability for loss of, or damage to, such goods occasioned by the negligence or criminal acts of themselves, their servants or agents and for matters connected therewith or incidental thereto, be taken into consideration."

*The motion was adopted.*

...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill. ...*(Interruptions)*... In clause 2, there are two amendments (No.4 and 5) by the hon. Minister.

**Clause 2 - Definitions**

SHRI T.R. BAALU: Sir, I move:

(4) That at page 2, line 12, *for* the word "goods", the words

"documents, goods or articles" be *substituted.*

(5) That at page 2, line 16, *for* the word "goods", the words "documents, goods or articles" be *substituted.*

*The questions were put and the motions were adopted.*

*Clause 2, as amended, was added to the Bill.*

MR. DEPUTY CHAIRMAN: In clause 3, there is one amendment (No.6) by the hon. Minister ...*(Interruptions)*...

**Clause 3 - Persons not to engage in business of common carrier without registration**

SHRI T.R. BAALU: Sir, I move:

(6) That at page 2, lines 43-44 be *deleted.*

*The question was put and the motion was adopted.*

*Clause 3, as amended, was added to the Bill,*

MR. DEPUTY CHAIRMAN: In clause 4, there are six amendments. (Nos. 7 to 12) by the hon. Minister...*(Interruptions)*...

**Clause 4 - Application for grant or renewal of registration**

SHRI T.R. BAALU: Sir, I move:

(7) That at page 3, line 6, *after* the word "business", the words

"stating that the application is for the main office", be *inserted.*

(8) That at page 3, *for* lines 8 to 29, the following be *substituted*, namely:–

"(3) An application for grant or renewal of certificate of registration for the main office shall contain the details of branch office, if any, to be operated outside the jurisdiction of the State or Union Territory in which the main office is to be registered in such form and manner as may be prescribed:

Provided that an application for the purpose to open or close a branch office shall be made to the registering authority having jurisdiction over the main office.

(4) A registering authority shall, before granting or renewing a certificate of registration, satisfy itself that the applicant fulfils such conditions as may be prescribed."

(9) That at page 3, *after* line 39, the following proviso be *inserted*, namely:–

"Provided further that if such refusal has not been communicated within sixty days of the date of application, the registering authority shall grant or renew certificate of registration within a further period of thirty days."

(10) That at page 3, line 40, *after* the words, bracket and figure "sub-section (5)", the words "shall contain the details of branch offices to be operated in various States and Union Territories, and" be *inserted*.

(x) That at page 3, *for* lines 46 to 50, the following be *substituted*, namely:–

"(7) The holder of a certificate of registration shall–

a. maintain a register in such form and manner as may be prescribed;

b. for shifting the main office mentioned in the certificate of registration, submit an application to the registering authority which granted the certificate of registration:

Provided that such registering authority shall grant or refuse permission for shifting the main office with thirty days from the date of receipt of such application and that no application for shifting the main office shall be refused unless the applicant has been given an opportunity of being heard and reasons for such refusal are given in writing by the registering authority:

Provided further that in case the registering authority has not either granted or refused the permission within thirty days it could be deemed that the permission for shifting has been granted."

(11) That at page 4, *for* lines 6 to 8, the following be *substituted*, namely:–

"(d) display at prominent place in its or its main office and each branch office, if any, a certificate of registration in original or certified copy thereof attested by the concerned registering authority, a notary or a Gazetted Officer of the Central or State Government;

(8) A common carrier shall not load the motor vehicle beyond the gross vehicle weight mentioned in the registration certificate whose registration number is mentioned in the goods forwarding note or goods receipt, and the common carrier shall not make or allow such vehicle to be loaded beyond the gross vehicle weight."

*The questions were put and the motions were adopted.*

*Clause 4, as amended, was added to the Bill.*

MR. DEPUTY CHAIRMAN: In clause 5, there is one amendment (No. 13) by the hon. Minister.

**Clause 5 - Suspension or cancellation of registration**

SHRI T.R. BAALU: Sir, I move:

(12) That at page 4, *for* lines 9 to 30, the following be *substituted*, namely:-

"5(1) If the registering authority is satisfied that the holder of certificate of registration has failed to comply with any of the provisions of sub-section (7) of section 4, it may give a notice by registered post or through electronic media or by any verifiable means to the holder of certificate of registration to rectify within a period of thirty days and in case such a holder fails to do so, it may revoke the certificate of registration on completion of enquiry.

(2) If a complaint is received by the registering authority against a common carrier from a consignor in respect of,-

(i) non-issuance of receipt of goods;

(ii) non-disclosure of the whereabouts of the goods in transit when asked by the consignor or consignee;

(iii) detention of goods for delivery without valid reasons;

(iv) demand for unreasonable additional charges at the time of delivery, which were neither disclosed nor agreed upon between the consignor and the consignee earlier; and

(v) non-payment of charges agreed and payable to truck-owners;

it may give a notice by registered post or through electronic media or by any other verifiable means to the holder of certificate of registration to rectify the same within a period of thirty days and in case such holder fails to do so, it may revoke certificate of registration for a period as may be prescribed under the rules on completion of that enquiry.

(3) If the registering authority or any other authority so authorised under Motor Vehicles Act, 1988 has received proof of violation of provision of sub-section (8) of section 4, it shall be competent to impose the penalties prescribed under section 194 of Motor Vehicles Act, 1988 on the common carrier notwithstanding the fact that such penalties have been already imposed on and realised from the driver or the owner of the goods vehicle or the consignor.

(4) Any action for revocation of certificate of registration shall not be taken under sub-sections (1) and (2) unless the holder of the registration is given an opportunity of being heard in the enquiry and reasons for such action are given in writing by the registering authority.

(5) The registering authority in whose jurisdiction the main office of the common carrier ig located shall be competent to take action under sub-sections (1) and (2) and any other registering authority who has noticed the violations of sub-

section (1) of section 5 or has received complaints under sub-section (2) shall report such matter to the registering authority having jurisdiction over the main office.

(6) When the certificate of registration is revoked, the holder of the certificate of registration shall surrender the certificate of registration to the registering authority within a period of thirty days and it would be incumbent on the holder of the certificate of registration to complete the delivery and transactions in respect of the consignments already accepted by the common carrier from any consignor prior to the revocation of the certificate of registration.

(7) The holder of a certificate of registration may, at any time, surrender the registration to the registering authority which granted the registration and on such surrender the registering authority shall, after obtaining declaration from the holder of the registration that no liability outstanding against him and he would discharge such liability if he is held liable, revoke the certificate of registration;

Provided that if the surrender is in respect of a branch office, the endorsement in respect of the branch office would be deleted from the certificate of registration and such deletion shall be notified by the registering authority having jurisdiction over the main office to such other authorities as may be prescribed."

*The question was put and the motion was adopted.*

*Clause 5, as amended, was added to the Bill.*

MR. DEPUTY CHAIRMAN: In clause 6, there is one amendment (No.14) by the hon. Minister ...*(Interruptions)*...

**Clause 6 - Appeal**

SHRI T.R. BAALU: Sir, I move:

That at page 4, lines 38-39, *for* the words "specified by the State Government by notification in the Official Gazette", the word "prescribed" be *substituted.*

*The question was put and the motion was adopted.*

*Clause 6, as amended, was added to the Bill.*

*Clause 7 was added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 8, there is one 'amendment (No. 15) by Shri T.R. Baalu.

**Clause 8 - Goods forwarding note**

SHRI T. R. BAALU: Sir, I move:–

That at page 5, line 3, *after* the word "consignment", the words "and goods of dangerous or hazardous nature." be *inserted.*

*The question was put and the motion was adopted.*

*Clause 8, as amended, was added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 9, there is one amendment (No. 16) by Shri T.R. Baalu.

**Clause 9 - Goods receipt**

SHRI T. R. BAALU: Sir, I move:–

That at page 5, *after* line 17, the following be inserted, namely:–

"(4) The goods receipt shall include an undertaking by the common carrier about the liability under section 10 or section 11."

*The question was put and the motion was adopted.*

*Clause 9, as amended, was added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 10, there is one amendment (No. 17) by Shri T.R. Baalu.

**Clause 10 - Liability of common carrier**

That at page 5, lines 19-20, *for* the words "shall be limited to ten thousand rupees or the value of consignment declared in the goods forwarding note, whichever is less" the words "shall be limited to such amount as may be prescribed having regard to the value, freight and nature of goods, documents or articles of the consignment" be *substituted.*

*The question was put and the motion was adopted.*

*Clause 10, as amended, was added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 11, there is, one amendment (No. 18) by Shri T.R. Baalu.

**Clause 11 – Rates of charge to be fixed by common carrier for carriage of consignment at a higher risk rate**

SHRI T. R. BAALU: Sir, I move:–

That at page 5, line 39, *after* the words "printed or written notice, in", the words "English and" be *inserted.*

*The question was put and the motion was adopted.*

*Clause 11, as amended, was added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 12, there is one amendment (No. 19) by Shri T.R. Baalu.

**Clause 12 – Conditions limiting exonerating the liability of the common carrier**

SHRI T. R. BAALU: Sir, I move:–

That at page 6, line 5, *after* the words "prohibited goods", the words "or goods on which due tax was not paid or insufficiently paid" be *inserted.*

*The question was put and the motion was adopted.*

Clause 12, as amended, was added to the Bill.

Clauses 13 and 14 were added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 15, there is one amendment (No. 20) by Shri T.R. Baalu.

**Clause 15 - Right of common carrier in case of consignee's default**

SHRI T. R. BAALU: Sir, I move:-

That at page 7, *after* line 7, the following be *inserted*, namely:-

"(4) Unless otherwise agreed upon between the common carrier and consignor, the common carrier shall be entitled to detain or dispose off the consignment in part or full to recover his dues in the event of the consignee failing to make payment of the freight and other charges payable to the common carrier at the time of taking delivery".

*The question was put and the motion was adopted.*

*Clause 15, as amended, was added to the Bill.*

*Clause 16 was added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 17, there is one amendment (No.21) by Shri T.R. Baalu.

**Clause 17 – General responsibility of common carrier**

SHRI T. R. BAALU: Sir, I move:-

That at page 7, line 24 be *deleted.*

*The question was put and the motion was adopted.*

*Clause 17, as amended, was added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 18, there are two amendments (Nos. 22 and 23) by Shri T.R. Baalu.

**Clause 18 – Punishment for contravention in relation to non-registration, carrying goods of dangerous or hazardous nature, or prohibited goods**

SHRI T. R. BAALU: Sir, I move:-

That at page 7, line 32, *for* the words "one thousand rupees", the words "five thousand rupees" be *substituted.*

That at page 7, line 33, *for* the words "five thousand rupees", the words "ten thousand rupees" be *substituted.*

*The questions were put and the motions were adopted.*

*Clause 18, as amended, was added to the Bill.*

*Clause 19 was added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 20, there are four amendments (Nos. 24 to 27) by Shri T.R. Baalu.

**Clause 20 – Power to make rules**

SHRI T. R. BAALU: Sir, I move:–

That at page 8, line 17-18, *for* the words, brackets and figures

"and the fee which shall accompany such application under sub-section (2) or sub-section (3) of section 4", the words, brackets and figures "for main office or branch office and the fee thereof under sub-sections (2) and (3) of section 4;" be *substituted.*

That at page 8, line 19, *after* the world conditions, the words "of eligibility" be *inserted.*

That at page 8, *after* line 27, the following be *inserted,* namely:–

"(f) fee for submitting the memorandum of appeal under sub-section (2) of section 6;"

That at page 8, *for* lines 28 to 39, the following be substituted, namely:–

"(g) the form and manner in which a goods forwarding note shall be executed by the consignor under sub-section (1) of section 8;

(h) the form and manner in which a common carrier shall issue goods receipt under sub-section (1) of section 9;

(i) liability of the common carrier for loss of, or damage to any consignment under sub-section (1) of section 10;

(j) the procedure and safeguards to be complied with for carrying goods of dangerous or hazardous nature under sub-section (1) of section 13;

(k) the specification of the goods of dangerous or hazardous nature to human life and the label or class of labels to be carried or displayed in or on the motor vehicle or on such goods in the course of their transportation under sub-section (2) of section 13; and

(l) any other matter which is required to be, or may be, prescribed".

*The questions were put and the motions were adopted.*

**Clause 20, as amended, was added to the Bill.**

*Clauses 21 and 22 were added to the Bill.*

MR. DEPUTY CHAIRMAN: In Clause 1, there are two amendments (Nos. 2 and 3).

**Clause 1 – Short title, extent and commencement**

SHRI T.R. BAALU: Sir, I move:–

That at page 1, line 2, *for* the figure "2005" the figure "2007" be *substituted.*

That at page 1, *for* lines 4 to 7, the following be *substituted,* namely:–

"(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint".

*The questions were put and the motions were adopted.*

*Clause 1, as amended, was added to the Bill.*

MR. DEPUTY CHAIRMAN: In the Enacting Formula, there is one amendment (No.1) by Shri T.R. Baalu.

***The Enacting Formula***

SHRI T. R. BAALU: Sir, I move

That at page 1, line 1, *for* the word "Fifty-sixth" the word "Fifty-eighth" be *substituted.*

*The question was put and the motion was adopted.*

*The Enacting Formula, as amended, was added to the Bill.*

*The Title was added to the Bill.*

SHRI T.R. BAALU: Sir, I move:

"That the Bill, as amended, be passed."

*The question was put and the motion was adopted.*

MR. DEPUTY CHAIRMAN: Now, statement by the Minister.

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## STATEMENT BY MINISTER

### Selection of Ministry of Parliamentary Affairs for Indira Gandhi Official Language Award for 2005-06

**कार्मिक, लोक शिकायत और पेंशन मंत्रालय में राज्य मंत्री तथा संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री सुरेश पचौरी):** उपसभापति महोदय, मुझे सदन में यह घोषणा करते हुए हर्ष हो रहा है कि संसदीय कार्य मंत्रालय को वर्ष 2005-06 के इंदिरा गांधी राजभाषा पुरस्कारों में प्रथम पुरस्कार के लिए चुना गया है। इससे पूर्व भी वर्ष 2000-01 में मंत्रालय ने इस पुरस्कार के लिए प्रथम स्थान प्राप्त किया था। ...**(व्यवधान)**... संसदीय कार्य मंत्रालय एक छोटा मंत्रालय होते हुए भी भारत सरकार की राजभाषा नीति के कार्यान्वयन तथा हिन्दी में अधिकाधिक कार्य करने की दिशा में सदैव प्रयत्नशील रहता है। ...**(व्यवधान)**...

MR. DEPUTY CHAIRMAN: Now, we take up the Special Mentions. ...*(Interruptions)*...

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## SPECIAL MENTIONS

### Concern over acute shortage of cooking gas in Jharkhand

**श्री अजय मारू** (झारखंड): महोदय, मैं सदन के माध्यम से सरकार का ध्यान झारखंड में रसोई गैस की भारी किल्लत की ओर आकृष्ट करना चाहता हूँ, जिसके कारण राजधानी राँची सहित विभिन्न इलाकों में महिलाओं में भारी रोष की स्थिति है और विभिन्न संगठनों के माध्यम से धरना-प्रदर्शन का सिलसिला चल रहा है। बताया जाता है कि सिर्फ राजधानी राँची में इंडियन ऑयल कम्पनी के 2 लाख से अधिक उपभोक्ता हैं, जबकि कम्पनी की ओर